

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-095006

09/20/2012

HON. TERESA SANDERS

CLERK OF THE COURT
V. Felix
Deputy

IN RE THE MARRIAGE OF
JOYCE MARIE CLINTON

JOYCE MARIE CLINTON
7125 E SUPERSTITION SPRINGS BLVD
MESA AZ 85209

AND

WILLIAM FREDRICK CLINTON

WILLIAM FREDRICK CLINTON
P O BOX 24781
TEMPE AZ 85285

CONCILIATION SERVICES-SE
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

MINUTE ENTRY

Courtroom 401 – SEF

11:11 a.m. This is the time set for a Return Temporary Orders Hearing regarding *Motion for Post-Decree Temporary Order Without Notice for Modification of Parenting Time* filed by Respondent on September 11, 2012. Petitioner, Joyce Clinton, is present on her own behalf. Respondent, William Clinton, is present on his own behalf.

A digital audio recording of this proceeding is being made by “For The Record” in lieu of a court reporter.

Joyce Clinton and William Clinton are sworn.

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William Clinton, having been previously sworn, now testifies.

Joyce Clinton, having been previously sworn, now testifies.

Discussion is held.

THE COURT FINDS that it is appropriate to appoint a Court-Appointed Advisor in this matter.

IT IS ORDERED directing the Office of Public Defense to appoint a Court-Appointed Advisor in this matter. The parties shall be equally responsible for and pay any fees and costs associated with this appointment. A separate minute entry shall issue.

IT IS FURTHER ORDERED omitting Mother's Wednesday overnight visitation with the minor children. Mother shall continue to have visitation with the minor children every other weekend, as stated in the current order.

THE COURT FINDS that mediation would not be productive in this matter.

Therefore,

IT IS ORDERED vacating the mediation previously set on October 8, 2012, at 8:00 a.m.

IT IS FURTHER ORDERED setting an Evidentiary Hearing on **January 28, 2013, at 1:30 p.m. (time allotted: 3 hours)** in this division regarding *Petition to Modify Parenting Time and Child Support* filed by Respondent on September 11, 2012, and *Response to Petition to Change Parenting Time* filed by Petitioner on September 19, 2012, at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 401
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any

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argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50, and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face-to-face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or healthcare provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of the hearing or to timely present the Joint Pre-Hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that both sides shall hand-deliver to the clerk of this division all exhibits to be used at the hearing by no later than January 21, 2013. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a

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blank sheet of colored paper. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits prior to that time. No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked for the hearing.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Hearing Statement which exhibits they have agreed will be admissible at the hearing, as well as any specific objections that will be made to any exhibit, if offered at the hearing, which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of the hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this division no later than 20 days prior to the hearing. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to the hearing.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION 3 COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

12:12 Matter Concludes.

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LATER:

Respondent states his local address on the record. The address is not Respondent's address of record reflected on the Court's database.

IT IS ORDERED directing the courtroom clerk to update Respondent's address in ICIS as stated this date on the record in open court.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

JOYCE MARIE CLINTON: Address Name Change
WILLIAM FREDRICK CLINTON: Address Name Change